

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

English Language Declaration

RPP:156A US

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ORAL IMMUNOLOGY USING PLANT PRODUCT CONTAINING
HEPATITIS SURFACE ANTIGEN

the specification of which

(check one)

☒ a copy is attached hereto.

☒ was filed on October 19, 1999, as Application Serial No. 09/420,695, and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

ENGLISH LANGUAGE DECLARATION

Prior Foreign Application(s)

**Priority
Claimed**

(Number)

(Country)

(Day/Month/Year Filed)

☐ ☐
Yes No

(Number)

(Country)

(Day/Month/Year Filed)

☐ ☐
Yes No

(Number)

(Country)

(Day/Month/Year Filed)

☐ ☐
Yes No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/418,177

(Application Serial No.)

October 13, 1999

(Filing Date)

Pending

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, including all divisionals and continuations thereof, and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Michael L. Dunn, Registration No. 25,330

Howard M. Ellis, Registration No. 25,856

SEND CORRESPONDENCE TO:

Dunn & Associates

P.O. Box 96

Newfane, New York 14108

DIRECT ALL TELEPHONE CALLS TO:

Michael L. Dunn, Telephone No. (716) 433-1661

Full name of sole or first inventor

Yasmin Thanavala

Inventor's signature

Date

Residence

150 Presidio Place, Williamsville, New York 14221

Citizenship

India

Post Office Address

Same as above

Full name of second joint inventor, if any

Charles Joel Arntzen

Inventor's signature

Date

Residence

1005 Highland Road, Ithaca, New York 14850-1447

Citizenship

United States of America

Post Office Address

Same as above

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ENGLISH LANGUAGE DECLARATION

**Priority
Claimed**

Prior Foreign Application(s)

(Number) (Country) (Day/Month/Year Filed) ☐ Yes ☐ No

(Number) (Country) (Day/Month/Year Filed) ☐ ☐
Yes No

(Number) (Country) (Day/Month/Year Filed) ☐ ☐
Yes No

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<u>09/418,177</u>	<u>October 13, 1999</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

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ENGLISH LANGUAGE DECLARATION

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Howard M. Ellis, Registration No. 25,856

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Dunn & Associates

P.O. Box 96

Newfane, New York 14108

DIRECT ALL TELEPHONE CALLS TO:

Michael L. Dunn, Telephone No. (716) 433-1661

Full name of sole or first inventor

Yasmin Thanavala

Inventor's signature

Date

22 Dec 1999

Residence

150 Presidio Place, Williamsville, New York 14221

Citizenship

India

Post Office Address

Same as above

Full name of second joint inventor, if any

Charles Joel Arntzen

Inventor's signature

Date

Residence

1005 Highland Road, Ithaca, New York 14850-1447

Citizenship

United States of America

Post Office Address

Same as above

RPP:156A US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yasmin Thanavala et al. Art Unit: 1651

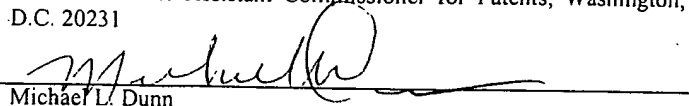
Serial No: 09/420,695

Filed: October 19, 1999

Examiner: Unknown

For: ORAL IMMUNOLOGY
USING PLANT PRODUCT
CONTAINING HEPATITIS
SURFACE ANTIGEN

I certify that this Claim for Small Entity Status is being deposited on
January 12, 2000 with the U.S. Postal Service as first class mail
addressed to the Assistant Commissioner for Patents, Washington,
D.C. 20231


Michael L. Dunn

Registration No. 25,330

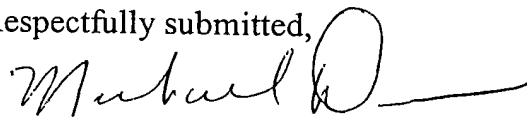
CLAIM FOR SMALL ENTITY STATUS (37 CFR 1.27(b)(d))

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby claim small entity status in connection with the above-identified application. Three (3) verified statements under 37 CFR 1.27(b) and 37 CFR 1.27(d) are enclosed.

Respectfully submitted,



Dated: January 12, 2000

Michael L. Dunn
Attorney for Applicant(s)
Reg. No. 25,330
P.O. Box 96
Newfane, New York 14108
Telephone: (716) 433-1661

MLD/tsm

Applicant or Patentee: Yasmin Thanavala, et al.
Serial or Patent No: 09/420,695
Filed or Issued: October 19, 1999
For: ORAL IMMUNOLOGY USING PLANT PRODUCT
CONTAINING HEPATITIS SURFACE ANTIGEN

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Health Research, Inc.
Address of Organization: Elm & Carlton Streets
Buffalo, New York 14263

Type of Organization:

- ☐ University or other institute of higher education
- ☒ Tax exempt under Internal Revenue Service Code 26 USC 501(a) & 501(c)(3)
- ☐ Nonprofit scientific or educational under Statute of State of The United States of America (Name of State: , Citation of Statute:)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code 26 USC 501(a) and 501(c)(3) if located in the United States of America
- ☐ Would qualify as nonprofit scientific or educational under statute of State of the United States of America if located in the United States of America (Name of State: , Citation of Statute:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35 United States Code, to the Patent and Trademark Office with regard to the invention entitled: ORAL IMMUNOLOGY USING PLANT PRODUCT CONTAINING HEPATITIS SURFACE ANTIGEN

by inventors: Yasmin Thanavala and Charles Joel Arntzen

described in:

- ☐ the specification to be filed herewith
- ☒ Application Serial No. 09/420,695, Filed October 19, 1999
- ☐ Patent No. , Issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

Full Name: Yasmin Thanavala

Address: 150 Presidio Place, Williamsville, New York 14221

☒ individual ☐ small business concern ☐ nonprofit organization

Full Name: Charles Joel Arntzen

Address: 1005 Highland Road, Ithaca, New York 14850-1447

☒ individual ☐ small business concern ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:

Michael D. DeLellis

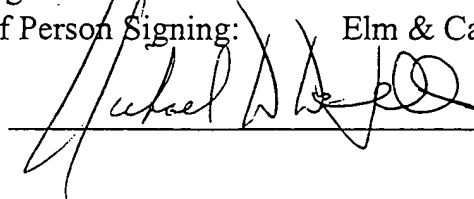
Title in Organization:

Director of Operations

Address of Person Signing:

Elm & Carlton Streets, Buffalo, New York 14263

Signature: _____



Dated: _____

12/22/98

Applicant or Patentee: Yasmin Thanavala and Charles J. Arntzen

Serial or Patent No: 09/420,695

Filed or Issued: October 19, 1999

For: ORAL IMMUNOLOGY USING PLANT PRODUCT
CONTAINING HEPATITIS SURFACE ANTIGEN

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled: ORAL IMMUNOLOGY USING PLANT PRODUCT CONTAINING HEPATITIS SURFACE ANTIGEN

described in:

- ☐ the specification to be filed herewith
- ☒ Application Serial No. 09/420,695, Filed October 19, 1999
- ☐ Patent No. , Issued

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern or organization
- ☒ persons, concerns or organizations listed below (Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27))

Full Name: Health Research, Inc.

Address: Elm and Carlton Streets, Buffalo, New York 14263

☐ individual ☐ small business concern ☒ nonprofit organization

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Name of Inventor: Yasmin Thanavala

Signature of Inventor: Yasmin Thanavala Dated: 22 Dec. 1999

Applicant or Patentee: Yasmin Thanavala and Charles J. Arntzen

Serial or Patent No: 09/420,695

Filed or Issued: October 19, 1999

For: ORAL IMMUNOLOGY USING PLANT PRODUCT
CONTAINING HEPATITIS SURFACE ANTIGEN

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(b)) - INDEPENDENT INVENTOR**

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- ☒ no such person, concern or organization
- ☐ persons, concerns or organizations listed below (Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27))

Full Name:

Address:

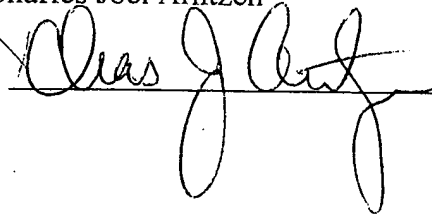
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Name of Inventor: Charles Joel Arntzen

Signature of Inventor:



Dated:

